

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: JOSEPH R. D'ANDREA

:
:
: NO. 3:03-MC-00153
:
: CHIEF JUDGE VANASKIE

ORDER

May 5, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

By Order dated June 19, 2003, Attorney Joseph R. D'Andrea was suspended from the practice of law before this Court as a result of his conviction for a violation of 26 U.S.C. § 7206(1), False Statements in Filing Income Tax Returns. The Order was entered under the docket number assigned to the criminal case brought against Attorney D'Andrea, No. 3:CR-03-070. The order of suspension was entered in accordance with Local Rule of Court 83.20.1, which provides that upon conviction of a serious crime, as defined in Local Rule 83.20.2, "the court shall enter an Order immediately suspending that attorney . . . until final disposition of a disciplinary proceeding to be commenced upon such conviction." Local Rule 83.20.1 also provides that, upon good cause shown, an order of suspension from the practice of law before this Court "may [be] set aside . . . when it appears in the interest of justice."

Attorney D'Andrea has petitioned to lift the suspension effective June 19, 2005, two

years following the effective date of his suspension from the practice of law in this Court. In support of this request, he has informed the Court that the disciplinary proceedings commenced in the Commonwealth of Pennsylvania, for which he has been suspended from practicing law since November 24, 2003, remain pending.¹ He has also informed the Court that the Office of Disciplinary Counsel has recommended a two year suspension, retroactive to November 24, 2003, while his counsel has requested a one year suspension. Finally, Attorney D'Andrea has informed the Court that all sanctions imposed as a result of his conviction, as well as all back taxes, penalties and interest, have been satisfied.

Attorney D'Andrea has shown good cause to lift his suspension from the practice of law effective June 19, 2005. He has satisfied all sanctions imposed as a result of his conviction, thereby "paying his debt to society." He has accepted full responsibility for his crime and has shown sincere remorse. His crime was not related to his representation of clients. Moreover, he has demonstrated that it is unlikely that any suspension imposed by State disciplinary authorities will exceed two years. In the event that he receives a disciplinary suspension exceeding two years, this Court has the authority to impose reciprocal discipline and remove again his privilege to practice before this Court. Lifting the suspension effective June 19, 2005 is also in the interest of justice. Petitioner is assured

¹ Mr. D'Andrea was allowed to continue to practice in state court until the effective date of his suspension by state authorities.

that he will not receive a sanction that is effectively more severe than that imposed by the pertinent state disciplinary authority simply because of delay in the state proceedings, while this Court retains the authority to assure that he will not be treated more leniently by this Court. In other words, if the recommendation of the Office of Disciplinary Counsel is indeed adopted, Mr. D'Andrea would have been suspended for a period of two years by both the state authorities and this Court. If, however, he is suspended by the state disciplinary authority for more than two years, then this Court may impose a corresponding suspension from the practice of law in this Court.

ACCORDINGLY, IT IS HEREBY ORDERED THAT Attorney Joseph R. D'Andrea's suspension from the practice of law before this Court shall be set aside effective June 19, 2005.

s/ Thomas I. Vanaskie

Thomas I. Vanaskie, Chief Judge
Middle District of Pennsylvania